

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
YOICHI YAMAGISHI ) : Examiner: Luong Trung Nguyen  
Application No.: 08/898,921 ) : Group Art Unit: 2612  
Filed: July 23, 1997 ) : Confirmation No. 6547  
For: IMAGE PROCESSING SYSTEM )  
AND INFORMATION PROCESSING )  
APPARATUS ) : January 9, 2008

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicant requests a refund of \$1,400.00 for the issue fee and \$300.00 for the publication, for a total of \$1,700.00, which was erroneously charged to our Deposit Account 06-1205. It is requested that the refund be applied as a credit to that Deposit Account. The reason for the refund is explained below.

On September 29, 2005, Applicants submitted the PTOL-85 - Part B, Issue Fee Transmittal and payment in the amount of \$1,715.00, a copy of this form is attached, along with a copy of the stamped postcard acknowledging such receipt, and a copy o the

canceled check. On January 24, 2006 a Notice of Abandonment was erroneously issued by the USPTO for failure to pay the Issue Fee. On February 9, 2006, Applicants filed a Request for Withdrawal of Erroneously Issued Notice of Abandonment. This Request was granted on August 8, 2007 and the patent issued on September 11, 2007 (copies of all notices and requests attached).

Applicant's attorneys received a Monthly Statement of Deposit Account dated August, 2007 (copy attached) indicating that Deposit Account No. 06-1205 was charged \$1,400.00 and \$300.00. It is respectfully submitted that these charges are a duplicate to the fees paid on September 28, 2005 and therefore are not warranted.

Accordingly, Applicant hereby requests a refund and authorizes the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$1,400.00 and \$300.00 for a total of \$1,700.00, to resolve this matter.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/John A. Krause/  
John A. Krause  
Attorney for Applicant  
Registration No. 24,613

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date 9/29/05  
Mo. Day Yr.

Atty. Docket 1352-104583

Application No 08/998,921 3

Sir:

Kindly acknowledge receipt of the accompanying:

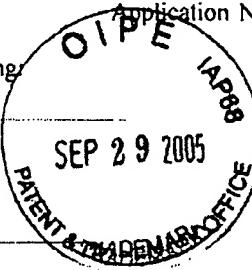
- Response to Official Action.
- Check for \$ \_\_\_\_\_ (claims fee)
- Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- Notice of Appeal and Check for \$ \_\_\_\_\_
- Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
- Claim for priority and certified copies of \_\_\_\_\_ priority applications
- Issue fee transmittal and Check for \$ 1715 (includes pub fee and  
*advertiser's late fees*)
- Other (specify) \_\_\_\_\_

by placing your receiving date stamp hereon and returning to deliverer.

FCHS-0-00

Atty: JACK K. K.

Due Date 12/12/05  
Mo. Day Yr.



BY HAND





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/898,921	07/23/1997	YOICHI YAMAGISHI	35.C9583-CI.	6547
5514	7590	01/24/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	08/898,921 Examiner NGUYEN	YAMAGISHI Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.  
 (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.  
 (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
     (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).  
 (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).  
 (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).  
 (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).  
 (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
     The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.  
 (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).  
 (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.  
 (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

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CENTRAL FAX CENTER

001

FEB 09 2006

**FITZPATRICK, CELLA, HARPER & SCINTO**

30 Rockefeller Plaza  
 New York, NY 10112-3801  
 (212) 218-2100

Facsimile:(212) 218-2200

**FACSIMILE COVER SHEET**


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**TO:** Examiner Luong T. Nguyen  
 USPTO - Group Art Unit 2612

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**FROM:** John A. Krause (Reg. No. 24,613)

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**RE:** U.S. Patent Appln. No. 08/898,921  
 Attorney Docket: 03500.009583.3

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**FAX NO.:** 571-273-8300

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**DATE:** February 9, 2006                   **NO. OF PAGES:** 5  
 (including cover page)

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**TIME:**                                       **SENT BY:**

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**MESSAGE**

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, (571)273-8300, on

February 9, 2006

(Date of Deposit)

John A. Krause  
 (Name of Attorney for Applicant)

February 9, 2006  
 Signature Date of Signature

**IF YOU DO NOT RECEIVE ALL THE PAGES  
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**Note:** We are transmitting from a Canon Model FAX-L770  
 (compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

NY\_MAIN 652300V1

PAGE 1/5 \* RCVD AT 2/9/2006 3:37:05 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/41 \* DNIS:2738300 \* CSID:1212 218 4552 \* DURATION (mm:ss):01:36

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03500.009583.3

FEB 09 2006 PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Examiner: Luong T. Nguyen
YOICHI YAMAGISHI	)	Group Art Unit: 2612
Appn. No.: 08/898,921	)	
Filed: July 23, 1997	)	
For: IMAGE PROCESSING SYSTEM	)	
AND INFORMATION	)	
PROCESSING APPARATUS	)	February 9, 2006

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF  
ERRONEOUSLY ISSUED NOTICE OF ABANDONMENT

Sir:

Applicant's undersigned counsel received a Notice of Abandonment dated January 24, 2006, indicating that the above-identified application has been abandoned because of Applicant's alleged failure to timely pay the required issue fee and publication fee, as required in the Notice of Allowance dated September 12, 2005.

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, (571) 273-8300, on

February 9, 2006  
(Date of Deposit)

John A. Krause  
(Name of Attorney for Applicant)

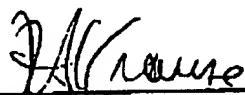
J. A. Krause  
Signature \_\_\_\_\_ Date of Signature February 9, 2006

Applicant's undersigned counsel respectfully points out that the Issue Fee and publication fee was timely paid on September 29, 2005. A copy of the Transmittal Form - Part B is attached hereto, along with a copy of a postcard returned by the Patent and Trademark Office acknowledging its receipt of that paper and receipt of our check in the amount of \$1,715.00, covering the Issue fee, publication fee and advance order fee.

Applicant's undersigned counsel, therefore, respectfully requests that this application be restored, and that the application be issued as a patent.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
John A. Krause  
Registration No. 24.613

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 550038v1



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/898921	07/23/97	YAMAGISHI, YOICHI	03500.009583.3

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

EXAMINER	
NGUYEN, LUONG	
ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 08/08/2007

NOTICE OF RESCINDED ABANDONMENT

In response to your communication filed 2/9/00

Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.

*Dina Motley*  
Manager, Publications Division  
Office of Patent Publication  
571-272-4200



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/898,921	09/11/2007	7268800	03500.009583.3	6547

5514            7590            08/22/2007

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 71 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

YOICHI YAMAGISHI, TOKYO, JAPAN;

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CHECK DATE:  
MATTER NUMBER: 03800.009583.3

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*Anthony M. Scinto*

AUTHORIZED SIGNATURE

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2195-225

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Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** August 2007  
**Deposit Account Number:** 061205  
**Name:** FITZPATRICK CELLA HARPER & SCINTO  
**Attention:**  
**Street Address 1:** 30 ROCKEFELLER PLAZA  
**Street Address 2:**  
**City:** NEW YORK  
**State:** NY  
**Zip:** 10112-3801  
**Country:** UNITED STATES

DATE SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01 633	1450769	137.10	7205	\$100.00	\$34,087.85
08/01 634	1450769	137.10	7201	\$400.00	\$33,687.85
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08/01 1008	29280057	02496.401500	2051	\$65.00	\$33,522.85
08/01 1291	29280053	02496.401400	2051	\$65.00	\$33,457.85
08/01 1556	10333578	02554.000011	2253	\$510.00	\$32,947.85
08/01 1557	10333578	02554.000011	2401	\$250.00	\$32,697.85
08/01 1677	10342401	01997.027900	1251	\$120.00	\$32,577.85
08/01 1678	10342401	01997.027900	1806	\$180.00	\$32,397.85
08/01 1758	10479050	00005.001226	1253	\$1,020.00	\$31,377.85
08/01 1759	10479050	00005.001226	1806	\$180.00	\$31,197.85
08/01 7354	PCT/US07/74905	03226.001032.51	1601	\$300.00	\$30,897.85
08/01 7355	PCT/US07/74905	03226.001032.51	1602	\$1,000.00	\$29,897.85
08/01 7356	PCT/US07/74905	03226.001032.51	1701	\$1,008.00	\$28,889.85
08/01 7357	PCT/US07/74905	03226.001032.51	1703	\$132.00	\$28,757.85
08/01 7358	PCT/US07/74905	03226.001032.51	8007	\$20.00	\$28,737.85
08/01 7	09910927	1807.1618	1252	\$450.00	\$28,287.85
08/01 10667	11815225	02139.000041	1631	\$300.00	\$27,987.85
08/01 10671	11815225	02139.000041	1614	\$800.00	\$27,187.85
08/01 10672	11815225	02139.000041	1616	\$360.00	\$26,827.85
08/01 10670	11815225	02139.000041	1615	\$1,400.00	\$25,427.85
08/01 10668	11815225	02139.000041	1642	\$400.00	\$25,027.85
08/01 10669	11815225	02139.000041	1633	\$200.00	\$24,827.85
08/01 10735	11691810	01687.011400	1051	\$130.00	\$24,697.85
08/01 10736	11691810	01687.011400	1251	\$120.00	\$24,577.85
08/01 10778	0195780473	02666.001213	8014	\$25.00	\$24,552.85
08/01 10779	0195780473		8023	\$40.00	\$24,512.85
08/01 10983	11587948	01762.014400	1051	\$130.00	\$24,382.85
08/01 11316	0157080373	02618.601626.	8014	\$25.00	\$24,357.85

## Deposit Account Statement

08/06 35	11826215	00862,022.888.1	9204	\$250.00	\$93,556.85
08/06 7505	60954072	01752.001400.PV	1005	\$200.00	\$93,356.85
08/06 8265	11500719	03762.017700	8007	\$160.00	\$93,196.85
08/06 9013	11834087	03736.000005.	4011	\$75.00	\$93,121.85
08/06 9014	11834087	03736.000005.	2111	\$250.00	\$92,871.85
08/06 9015	11834087	03736.000005.	2311	\$100.00	\$92,771.85
08/06 9590	09731834	2280.2680	1251	\$120.00	\$92,651.85
08/06 83	10952597	01807.002676.	1806	\$180.00	\$92,471.85
08/06 10723	11039675	03161.001595.	1811	\$100.00	\$92,371.85
08/06 11198	09731834	2280.2680	1806	\$180.00	\$92,191.85
08/07 73	10341375	02280.003060	1253	\$1,020.00	\$91,171.85
08/07 74	10341375	02280.003060	1402	\$500.00	\$90,671.85
08/07 4414	11417851	01752.000006.	1253	\$1,020.00	\$89,651.85
08/07 5968	10711965	03292.101090.13	1202	\$50.00	\$89,601.85
08/07 5969	10711965	03292.101090.13	1251	\$120.00	\$89,481.85
08/07 8623	77248641	02467.008022	7001	\$325.00	\$89,156.85
08/07 6	10608001	00862.023115	1806	\$180.00	\$88,976.85
08/07 10451	09825992	2280.2660	1253	\$1,020.00	\$87,956.85
08/07 10452	09825992	2280.2660	1401	\$500.00	\$87,456.85
08/07 10928	11806000	01997.056000	1808	\$130.00	\$87,326.85
08/07 12684	11289706	00005.001229.1	1252	\$450.00	\$86,876.85
08/07 12827	6764108	03068.000100.1	1551	\$900.00	\$85,976.85
08/08 193	10872090	AM100318C1 } 01997.067000	1501	\$1,400.00	\$84,576.85
08/08 195	10872090	AM100318C1 } 01997.067000	1504	\$300.00	\$84,276.85
08/08 196	10872090	AM100318C1 } 01997.067000	8001	\$15.00	\$84,261.85
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08/08 381	10966227	AM100317C1 } 01997.067800	1501	\$1,400.00	\$81,146.85
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08/08 1144	11082720	RPS6111C1-US -03962.015601	1253	\$1,020.00	\$79,361.85
08/08 2816	77249279	01907.000T47.A	7001	\$975.00	\$78,386.85
08/08 3164	11205919	P-5023P1C1-01204.04800	1801	\$790.00	\$77,596.85
08/08 1	10820120	03560.003451	1201	\$200.00	\$77,396.85
08/08 2	10820120	03560.003451	1202	\$150.00	\$77,246.85
08/08 3	08898921	03500.009583.3	1501	\$1,400.00	\$75,846.85
08/08 4	08898921	03500.009583.3	1504	\$300.00	\$75,546.85
08/08 2	10558565	01272.000326	1617	\$130.00	\$75,416.85
08/08 6	PCT/US07/70175	01752.000007.PC	1702	-\$1,086.00	\$76,502.85
08/08 7	PCT/US07/70175	01752000007,PC	1710	\$931.00	\$75,571.85
08/08 4	REPLENISHMENT		9204	-\$12,662.00	\$88,233.85
08/09 1007	60954665	03127.002600.PV	1005	\$200.00	\$88,033.85
08/09 2234	77250324	03795.000100	7001	\$325.00	\$87,708.85
08/09 2323	77250335	01628.604300	7001	\$325.00	\$87,383.85
08/09 1	11565221	00684.003582.2	1201	\$200.00	\$87,183.85
08/09 2	11565221	00684.003582.2	1202	\$400.00	\$86,783.85
08/09 19	10454823	2630-122 } 03426.000130	1252	-\$450.00	\$87,233.85
08/09 20	10454823	2630-122 } 03426.000130	1801	-\$790.00	\$88,023.85
08/09 21	10454823	2630-122 }	2801	\$395.00	\$87,628.85